

US District Court, SDNY #21-cv-06584-CS (Tripathy v. McClowski et al.)

RECEIVED
AUG 30 2021
U.S. District Court
W.P.
To: **ProSe Intake Unit**, US District Court, Southern District of New York,
US Courthouse, 300 Quarropas Street, White Plains, NY 10601
Attn: **Clerk (HON. Cathy Seibel, US District Judge;**
HON. Paul E. Davison, US Magistrate Judge)

From: Sanjay Tripathy (*ProSe* Petitioner/Plaintiff), 18R1673, Fishkill
CF, 18 Strack Drive, Box #1245, Beacon, NY 12508-1245

Date: Wednesday, August 25th, 2021

Subject: Case #21-cv-06584-CS (Matters for the Court's Attention)

Plaintiff via this letter would like to bring the following matters to the Court's attention and seeks permission from the Court to file an amended complaint in light of these recent developments.

Background (matters pending Court's decision) –

1. Motion to Reconsider (if DOCCS as a Defendant can proceed to service) dated 8/16/2021;
2. Use of US Marshalls Service for the summons (with payment by the Plaintiff); Address to serve Defendants – Nolan, Harris and Schneider who are no longer based at Gowanda CF; letter dated 8/17/2021;
3. Names of Additional Defendants (both letters to Shelley Mallozi, DOCCS and Cathy Sheehan, DOCCS, with copy to Court dated 8/23/2021) – DOCCS CORC Members, and Director – Nutritional Services and Director of Ministerial, Family and Volunteer Services;

Further developments needing Plaintiff to amend his complaint –
Plaintiff seeks Court's permission to file an amended complaint due to the following developments in his case

1. Letter from Defendant McKoy dated 6/22/2021 denying any relief and Plaintiff's response dated 6/26/2021 (both letters attached – **7 pages**);
2. Letter to ADSP Gonzalez (Fishkill CF) and his response after meeting with him on 7/14/2021 based on request from Director – Nutritional Services and Director – Ministerial, Family and Volunteer Services; denying relief (both letters attached – **9 pages**);

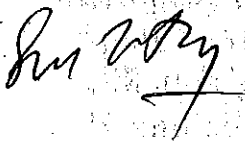
Sanjay Tripathy; 18R1673, Fishkill CF, Box #1245, Beacon, NY 12508-1245

US District Court, SDNY #21-cv-06584-CS (Tripathy v. McClowski et.al.)

3. CORC Decision (made on 7/1/2021) denying any relief; received by Plaintiff on 8/19/2021; in which DOCCS CORC (highest appeals and decision making body reporting directly to Commissioner Annucci) agrees to its discrimination and unconstitutional acts highlighting its intentional, deliberate and malicious violation of RLUIPA, The First Amendment – Free Exercise Clause and Establishment Clause and the 14th Amdnemnt – Equal protection Clause, towards Plaintiff core and sincerely held religious beliefs; (DOCCS CORC decision copy attached – 1 page)

Plaintiff seeks Court's guidance and permission in these matters. Plaintiff would also like to bring the Court's attention to this critical and time sensitive matter, as with each and every passing day (since his incarceration) Plaintiff has to either go hungry or cobble together food, to be complaint with his core and sincerely held religious beliefs. Plaintiff prays that this matter is sorted out quickly, so he can fully participate in the DOCCS Food Services Program (the sole program that feeds inmates across DOCCS) as he is 100% in DOCCS/Defendants care, custody and control. These unconstitutional acts by DOCCS/Defendants is irreparable and ongoing harm, and based on the above developments (specially the CORC decision admitting the unconstitutional acts) Plaintiff has an excellent chance of prevailing in his complaint, thus pleads for relief from this Court.

Respectfully Submitted,



Sanjay Tripathy

ProSe Plaintiff/Petitioner

An innocent man wrongly incarcerated by The State of New York

Enclosed: This cover letter (2 pages) + Attachments (9+7+1=16 pages) = Total 18 pages



Corrections and Community Supervision

ANDREW M. CUOMO
Governor

ANTHONY J. ANNUCCI
Acting Commissioner

June 22, 2021

Sanjay Tripathy
18R1673
Fishkill Correctional Facility
271 Matteawan Road
PO Box 1245
Beacon, NY 12508

Dear Sanjay Tripathy:

Acting Commissioner Annucci has asked me to respond to your letter requesting full removal of all beef products being served in inmate Messhall. Additionally, you wrote that *DOCCS has failed and has wrongly, illegally and unconstitutionally promoted the religion of Islam (via its food policy in inmate Messhall), while discriminating against the religion of Hinduism.*

The facility was contacted and advised that at the time of the writing of your letter, you had not brought any food issues to their attention. However, on May 20, 2021, there was a meeting with you and two Facility Chaplains, at which time you mentioned your concerns regarding the religious diet for Hindu adherents. The Department strives to provide all religious groups with possible accommodations with the constraints of a Correctional setting.

DOCCS Food Service Operations Manual utilizes a standard statewide menu, designed to provide nutritional adequacy; however, in cases of dietary religious concerns the office of Nutritional Services works closely with Ministerial, Family and Volunteer Services to address them. You may contact them regarding the available dietary options that the Department offers.

It should be clearly understood that in accordance with Departmental Directive #4202 - "Religious Programs and Practices," DOCCS takes no position "*acknowledging*" any particular religion within its incarcerated population. It is the Department's mission to assist and support the Hindu, as well as all faith groups, while taking into consideration the tenets of the faith, the law, and Department policy. However, it is not always possible to provide all the privileges, as they may be practiced in the outside community.

June 22, 2021

18R1673

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Your *exemplary record, with no disciplinary infractions, in positions of responsibility*, is commendable. You are encouraged to maintain a favorable disciplinary record and nurture a positive attitude regarding the programs available to you. In the future, please do follow the chain of command and bring concerns to the facility's attention and do allow reasonable time for the facility to address the issue, based on the Department's directives, policies, and laws. Only after exhausting those channels at the facility level should you send communications to Central Office

Sincerely,

A handwritten signature in black ink, appearing to read 'J. McKoy', with a stylized flourish at the end.

Jeff McKoy

Deputy Commissioner for Program Services

cc: Superintendent – Fishkill C.F.
DSP – Fishkill C.F.
Coordinating Chaplain – Fishkill C.F.
Central Files

DOCCS (State Entity) discriminated against Hindu Religion while promoting Islam

To: Jeff McKoy, Deputy Commissioner of Program Services

Cc: Anthony J. Annucci, Commissioner;

Stephen Brandow, Deputy Commissioner of Administrative Services

Address: DOCCS, The Harriman State Campus, 1220 Washington Avenue,
Albany, NY 12226-2050

Cc: Edward Burnett, Superintendent

Sharon Frost, Deputy Superintendent of Administration

John Wood, Deputy Superintendent of Programs

Father George J. Dash, OFM Cap., Catholic & Coordinating Chaplain

Address: Fishkill Correctional Facility, Box #307, 18 Strack Drive, Beacon, NY
12508-0307

Cc: Ritu Bhatia (spouse); **Suraj Tripathy** (brother)

Date: Saturday, June 26th, 2021

From: Sanjay Tripathy (Petitioner), 18R1673, Fishkill CF, Box #1245, Beacon,
NY 12508-1245

Subject: Minority Religious Rights of Incarcerated Petitioner
, (Sanjay Tripathy/religion of Hinduism) – RLUIPA, 1st
Amendment and 14th Amendment

Thank you for reaching out to me on this critical matter via your letter dated June 22nd, 2021, which I received on Thursday June 24th, 2021 at Fishkill CF.

I would like to set the facts and the sequence of events straight as I am unsure if you are being misinformed or there is a deliberate attempt to create confusion to muddle the waters as is clear from the communications table below, which proves that petitioner raised these issues with Fishkill CF administration, but was denied relief. Please note all of these communications are documented and there is proof (via legal mail) of their timing.

Background:

1. Petitioner is a life-long Hindu (Religion of Hinduism) and has never changed or practiced any other religion.

Sanjay Tripathy; 18R1673, Fishkill CF, Box #1245, Beacon, NY 12508-1245

DOCCS (State Entity) discriminated against Hindu Religion while promoting Islam.

2. Petitioner since being incarcerated has recorded his religion as Hinduism, as reflected in DOCCS records, and thus DOCCS is officially fully aware of petitioner religion.
3. Petitioner core and sincerely held religious belief is neither to consume nor come in close contact with beef food products.
4. DOCCS does not serve Pork food products (but sells it in commissary and allows it to come in via inmate packages) in the Inmate Messhall, though at one point it did serve Pork food products.
5. Religion of Hinduism, is one of the largest religions in the world and widely followed in the United States.
6. Petitioner was primarily based in Gowanda CF, and is now based at Fishkill CF since Jan 21, 2021.

Sequence of Events (in this matter): below is a table listing the sequence of events on this issue since petitioner's incarceration.

#	Communication	Date/Remarks
1	Numerous communication with Reverend Harris and others at Gowanda CF, towards petitioner's core and sincerely held religious beliefs (for Hindu meals and others exemptions/services)	Numerous Occasions
2	Petitioner letter for relief to Governor Cuomo, with copy to Commissioner Annucci and Superintendent Burnett	4/9/2021
3	Petitioner's Grievance filed at Fishkill CF	4/23/2021
4	Petitioner's Appeal to Superintendent of Grievance denial	4/30/2021
5	Petitioner's letter to Deputy Commissioner Brandow with copy to DSA Frost	5/8/2021
6	Petitioner Appeal to CORC from Superintendent's denial of Appeal	5/17/2021
7	Petitioner's meeting with Fishkill CF Chaplains	5/20/2021
8	Deputy Commissioner Brandow response to petitioner's letter (received 6/9/2021)	5/27/2021
9	Petitioner's letter to Fishkill CF Chaplains	5/31/2021
10	Deputy Commissioner McKoy's letter to Petitioner (received 6/24/2021)	6/22/2021
11	Petitioner's response to Deputy Commissioner McKoy's letter	6/26/2021

Currently, DOCCS serves beef products in the main Messhall, where all inmates (of all religions and no religion) eat food three meals a day (including at Fishkill CF, where petitioner is based). But in deference mostly to Muslim (Religion of Islam) inmates, and their core and

DOCCS (State Entity) discriminated against Hindu Religion while promoting Islam

sincerely held religious beliefs (to neither consume nor come in close contact with pork products) in prison, DOCCS, does not serve any pork products (in the main Messhall). It should be noted that in the past Pork products were served and consumed in the inmate Messhall. At some point DOCCS decided not to serve Pork products, but did not do anything to prevent serving Beef products, which are prohibited for the Petitioner (his core and sincerely held religious beliefs) and potentially many other Hindu inmates (religion of Hinduism). These actions, or lack-of by DOCCS, is clearly a violation of constitutional rights and numerous laws (specifically 1st Amendment – establishment clause, free exercise clause; 14th Amendment – equal protection clause; and RLUIPA – substantial burden test failure even if there is compelling interest of DOCCS in the inmate food program, failure to show the least restrictive means test, and State/DOCCS entanglement in Religion towards petitioner's (religious beliefs and practices). DOCCS has not only failed to meet petitioner's Hinduism requirements, but specifically denied relief. Please also note that the Chaplains expressed clearly their inability and unwillingness to solve the substantial constitutional violations towards the petitioner, and agreed fully that this is much above their pay grade. As can be seen from the table above petitioner has made all/every effort to get relief, which has either been ignored, denied or delayed. Thus I firmly believe DOCCS Food program as it stands, not only discriminates against petitioner core and sincerely held Hinduism beliefs but also favors the religion of Islam and is clearly state entanglement in religion (See *Williams v. Annucchi*, 2nd Circuit and *Holt v. Hobbs*, US Supreme Court for RLUIPA, and *Hayes v. Dahlke*, 2nd Circuit for exhaustion of administrative remedies by petitioner).

I would request my personal details to be kept absolutely confidential as I fear retaliation, harassment, intimidation, loss of benefits from DOCCS (its staff) and inmates (also potentially instigated by DOCCS and staff). I am raising these issues with great fear and the potential for personal harm, as my safety, security and well-being is 100% in DOCCS hands, till I either win my appeal/post-conviction remedies (that exonerates me) or complete my sentence.

I am in serious violation of my core and sincerely held religious beliefs, by consuming or coming in close personal contact with beef food products, which is a substantial burden on me to get benefits from a

DOCCS (State Entity) discriminated against Hindu Religion while promoting Islam

DOCCS (New York State) run program (food in the Messhall for inmates) thus violating my constitutional rights under the 1st amendment and RLUIPA (Religious Land Use and Institutional Persons Act) and other federal and state guaranteed rights. RLUIPA clearly forbids the Government/State (including an entity like DOCCS) to put a substantial burden on my core and seriously held religious beliefs, which force me to modify my behavior, to comply with the requirements of the food program in the Messhall (provided by DOCCS).

Therefore, in essence there are only two options (for me) for food services (eating food in the Messhall for inmates), which are the following –

Option #1 – go to the Messhall and eat food there where beef products are also served, but violate my core and sincerely held religious beliefs; or

Option #2 – follow my core and sincerely held religious beliefs and not eat food in the Messhall when beef is served (go hungry);

DOCCS actions (or lack-of), in this case of discrimination and unconstitutional acts (based on the legal Strict Scrutiny Standard) towards the petitioner, clearly does not serve a compelling and legitimate state interest, which needs to be narrowly tailored, survive strict judicial scrutiny, and ensure there exists no viable alternative to cure/correct this unlawful discrimination (reckless disregard with actual intent for harm in violation of religious beliefs) and unconstitutional acts.

The only and sole cure, is either full removal of all beef products being served in inmate Messhall, or to have segregated facilities (operations), wherein beef and pork products are served to the general population, while in another way no beef and no pork products are served to other inmates (whose religious beliefs constitute a prohibition for these products – Muslim, and Hindu in most cases). I am by no means an expert in prison operations, or various religions and believe relevant experts can best opine and suggest solutions on the way forward, as long as it does not violate my core and sincerely held religious beliefs. Please advise how you would like to proceed in this critical matter. The reason

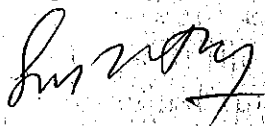
DOCCS (State Entity) discriminated against Hindu Religion while promoting Islam

I am taking up this issue (impacting my religious beliefs and my guaranteed constitutional rights) now, is the need for clear resolution, else my only option is to petition the Courts (which takes time and effort) to get Judicial guidance and relief, if this is not amicably settled between the parties, at the earliest. Thank you for your acknowledgement of this critical issue, prompt action, guidance to help me protect and preserve my core and sincerely held religious rights guaranteed under the constitution and RLUIPA, which have been substantially burdened and forces me to choose between my religious beliefs and eating food in the inmate Messhall.

In conclusion and summary, Governments (including State entities like DOCCS who are federally funded) are prohibited from establishing a religion, promoting a religion, discriminating against a religion, and putting a substantial burden on the religious rights, core and sincerely held religious beliefs of incarcerated individuals (including petitioner), and are required to uphold the constitutionally guaranteed rights and freedoms of the petitioner. DOCCS has failed and has wrongly, illegally and unconstitutionally promoted the religion of Islam (via its food policy in inmate Messhall), while discriminating against the religion of Hinduism (petitioners religion).

I look forward to constructive dialogue in this critical matter so as to reach a just and viable solution at the earliest.

Very truly yours,



Sanjay Tripathy
Petitioner

An innocent man wrongly incarcerated by New York State

Minority Religious Rights of Incarcerated Petitioner - Confidential

To: Luis Gonzalez, ADSP Programs,

Fishkill Correctional Facility, Box #307, 18 Strack Drive, Beacon, NY
12508-0307

Date: Thursday, July 15th, 2021

**From: Sanjay Tripathy (Petitioner), 18R1673, MB-21/23B; Fishkill CF, Box
#1245, Beacon, NY 12508-1245**

**Subject: Minority Religious Rights of Incarcerated Petitioner
(Sanjay Tripathy) – RLUIPA, 1st Amendment and 14th Amendment – our
meeting(s) on Wednesday, July 14th, 2021**

I would like to thank you for taking the time on Wednesday July 14th, 2021 at 9.30am and 1.00pm, to meet me in your office to discuss my petition to the Governor about Hindu religious rights (Food Services) in DOCCS via the Food Services Program in the Inmate Messhall.

As we discussed, Nutritional Services and Ministerial Services in DOCCS Albany asked you and DSP John Wood to interview me so you could answer them and provide information about my complaint. Also, you wanted to know about my Grievance (I gave you my copy to make copies) and what was the decision by FSA McClowski (who denied my Grievance) about my Grievance and its contents. As we discussed my entire Grievance, the responses, my Appeal to Superintendent Burnet, his denial and my appeal to CORC is available in the IGRC files at Fishkill CF. Please let me know if you have additional questions on the matter.

Via this letter I would also like to bring the following to your notice –

- Serving Beef in the Inmate Messhall, while not serving Pork in deference to primarily Muslim Inmates, is clearly a violation and State entanglement in Religion, which per my petition makes DOCCS/State of New York in violation of my constitutional rights guaranteed under our constitution (1st Amendment, RLUIPA and the 14th Amendment). I would also like to state potential solutions that can be taken up by DOCCS, and also state the fact that this is a major policy issue that needs to be urgently taken up by the DOCCS Commissioner, the Governor, and the NYS AG.

Sanjay Tripathy, 18R1673, Fishkill CF, Box #1245, Beacon, NY 12508-1245

Minority Religious Rights of Incarcerated Petitioner - Confidential

- Please also note my extreme fear and apprehension of physical and mental harm, harassment, retaliation, and injury by staff/inmates and others instigated by DOCCS/The State of New York, as I am taking on the all-powerful/mighty DOCCS/The State of New York. I request you keep my personal information confidential as I fear DOCCS/staff/inmates will retaliate against me by moving me around the jail, across jails, planting drugs/weapons, harass me with threats, abuse and constant monitoring etc., as is well known, in case they feel I am a pain/pest and they don't have good legal arguments in the matter. My safety, security and well-being is 100% in DOCCS hands, till I either win my appeal/post-conviction remedies (that exonerates me) or complete my sentence.

Please see the following information as I further discuss my background, the DOCCS food service policy (food for inmates served in the Messhall), its impact on my core and sincerely held religious beliefs guaranteed under the 1st Amendment (Religious Rights) RLUIPA (Religious Land Use and Institutionalized Persons Act of 2000). I would also like to bring to your attention that I am a life-long practicing Hindu (Religion of Hinduism, one of the largest religions in the world and widely followed in the United States). One of my **core and sincerely held religious beliefs** is neither to eat beef and pork food products nor come in close personal contact with these products.

Currently, DOCCS serves beef products in the main Messhall, where all inmates (of all religions and no religion) eat food three meals a day (including at Fishkill CF, where petitioner is based). But in deference mostly to Muslim (Religion of Islam) inmates, and their core and sincerely held religious beliefs (neither consume nor come in close contact with pork products) in prison, DOCCS does not serve any pork products (in the main Messhall). It should be noted that in the past Pork products were served and consumed in the inmate Messhall. At some point DOCCS decided not to serve Pork products, but did not do anything to prevent serving Beef products, which are prohibited for the Petitioner (his core and sincerely held religious beliefs) and potentially many other Hindu inmates (religion of Hinduism). These actions, or lack-of by DOCCS, is clearly a violation of constitutional rights and numerous laws (specifically 1st Amendment – free exercise clause, establishment clause; 14th Amendment – equal protection clause; and

Minority Religious Rights of Incarcerated Petitioner - Confidential

RLUIPA – substantial burden test and prohibition by State/DOCCS as entities on petitioner's religious beliefs and practices).

I was sentenced to 7 years for sexual assault by HON. Erika M. Edwards (New York County, Supreme Court, Indictment #2720-2016) after a Jury Trial where I took the stand and testified in my Defense. I would like to unequivocally state (as always under oath and penalty of perjury) that **I am innocent and did not commit any of the charged crimes**. I have been wrongly prosecuted, wrongly convicted and wrongly incarcerated due to the major unconstitutional acts and numerous serious errors, during my entire criminal process (from Jun 2016 to July 2018). Every day I spend in prison, away from my family is a colossal miscarriage of justice, a travesty, incarcerating an innocent man. My case is currently going through the appellate process/post-conviction remedies, and I have full faith in the Courts and the criminal justice system, to see the facts of my case, evaluate the major unconstitutional acts and numerous serious errors, as I seek justice to exonerate me, so I can rejoin my family with dignity, my head held high, to start rebuilding my life with loved ones. I would like to again become a productive member of society and my sole goal is to clear my name and go back to my family and loved ones, who have disproportionately suffered adverse consequences of my wrongful incarceration.

Currently, I have completed 38 months out of a potential 72 months, and my earliest release date is 05/15/2024 (per DOCCS records). I am in serious violation of my core and sincerely held religious beliefs, by consuming or coming in close personal contact with beef and pork food products, which is a substantial burden on me to get benefits from a DOCCS (New York State) run program (food in the Messhall for inmates) thus violating my constitutional rights under the 1st amendment and RLUIPA (Religious Land Use and Institutional Persons Act) and other federal and state guaranteed rights. RLUIPA clearly forbids the Government/State (including an entity like DOCCS) to put a substantial burden on my core and seriously held religious beliefs, which force me to modify my behavior, to comply with the requirements of the food program in the Messhall (provided by DOCCS). Therefore, in essence there are only two options (for me) for food services (eating food in the Messhall for inmates), which are the following –

Minority Religious Rights of Incarcerated Petitioner - Confidential

#1 - go to the Messhall and eat food there where beef products are also served, but violate my core and sincerely held religious beliefs; or

#2 - follow my core and sincerely held religious beliefs and not eat food in the Messhall where beef is served (go hungry)

DOCCS actions (or lack-of) in this case of discrimination and unconstitutional acts (based on the legal Strict Scrutiny Standard) towards the petitioner, clearly does not serve a compelling and legitimate state interest, which needs to be narrowly tailored, survive strict judicial scrutiny, and ensure there exists no viable alternative to cure/correct this unlawful discrimination (reckless disregard with actual intent for harm in violation of religious beliefs) and unconstitutional acts. The only and sole cure, is either full removal of all beef products being served in inmate Messhall, or to have segregated facilities (operations), wherein beef and pork products are served to the general population, while in another way no beef and no pork products are served to other inmates (whose religious beliefs constitute a prohibition for these products - Muslim, and Hindu in most cases). I am by no means an expert in prison operations, or various religions and believe relevant experts can best opine and suggest solutions on the way forward, as long as it does not violate my core and sincerely held religious beliefs.

Please advise how you would like to proceed in this critical matter. The reason I am taking up this issue (impacting my religious beliefs and my guaranteed constitutional rights) now, is the need for clear resolution, else my only option will be to petition the Courts (which takes time and effort) to get Judicial guidance and relief, if this is not amicably settled between the parties, at the earliest. Thank you for your acknowledgement of this critical issue, prompt action, guidance to help me protect and preserve my core and sincerely held religious rights guaranteed under the constitution and RLUIPA, which have been substantially burdened and forces me to choose between my religious beliefs and eating food in the inmate Messhall.

In conclusion and summary, Governments (including State entities like DOCCS) are prohibited from establishing a religion, promoting a

Minority Religious Rights of Incarcerated Petitioner - Confidential

religion, discriminating against a religion, and putting a substantial burden on the religious rights, core and sincerely held religious beliefs of incarcerated individuals (including petitioner), and required to uphold the constitutionally guaranteed rights and freedoms of the petitioner. DOCCS has failed and has wrongly, illegally and unconstitutionally promoted the religion of Islam (via its food policy in inmate Messhall), while discriminating against the religion of Hinduism (petitioners religion).

I look forward to constructive dialogue in this critical matter so as to reach a just and viable solution at the earliest.

Respectfully Submitted,



Sanjay Tripathy
Petitioner

An innocent man wrongly incarcerated by The State of New York

Enclosed: Petitioner ("Sanjay Tripathy") background – 3 pages

Minority Religious Rights of Incarcerated Petitioner - Confidential

Summary of Petitioner's Background (Personal, Professional and Educational) – Below is a brief summary of the Petitioner's background to provide context to this affidavit and motion.

- a. Petitioner is a 51 years old family man, who along with his family (wife – Ritu, married for almost 20 years with 2 daughters) are all US Citizens, tax payers, law abiding citizens, and long term residents of North Carolina.
- b. Petitioner is an active and established member of his community, where he and his family are deeply involved in social justice efforts, religious and educational initiatives. Over the last 10+ years he has helped numerous high school students and their families successfully apply and get accepted into elite public and private, US Universities/Colleges.
- c. Petitioner has no ties to New York State (work, home or any other) and all his ties are to North Carolina (at his permanent home address).
- d. Petitioner has over 25 years of private sector business experience and was a Senior Vice President of a large global services, publicly listed company before his incarceration, and was in line to become the CEO.
- e. Petitioner's expertise is in the area of technology and operations encompassing – people, process, organization and technology, and how they optimize in an ever transforming business world. He has worked and done business across the world with a focus on North America, UK, Europe, China, India, Japan, Korea, ASEAN and ANZEA besides other geographies.
- f. Petitioner has a Bachelor's in Engineering, a Master's/MBA in Business, 2 advanced business/management degrees from **Harvard University** (alumni of the Harvard Business School) and the **University of Pennsylvania** (Wharton School of Business).
- g. Petitioner intends to pursue a J.D. (Law Degree) from Duke University Law School post incarceration, focused on Constitutional/Civil Rights.

Minority Religious Rights of Incarcerated Petitioner - Confidential

Summary of Petitioner's Criminal Case – Below is a brief summary of the Petitioner's criminal history. Petitioner has no prior (except the current case) criminal or incarceration history, including the time he was on bail (Jun 2016 to May 2018) fighting his criminal case living at his permanent home in North Carolina, while periodically travelling to New York.

- a. Petitioner was sentenced to 7 years for sexual assault by HON. Erika M. Edwards (New York County, Supreme Court, Indictment #2720-2016) after a Jury Trial where he took the stand and testified in his Defense.
- b. Petitioner wants to unequivocally state (as many times, always under oath and penalty of perjury) he is innocent and did not commit any of the charged crimes.
- c. Major unconstitutional acts (including perjury by the Complaining Witness in full knowledge and encouragement of the People, illegally suppressed evidence which proves 100% in black and white the perjury, unconstitutional acts) and numerous serious errors were primarily responsible for his wrongful prosecution, wrongful conviction and wrongful incarceration, which continues to this day. It is a colossal miscarriage and travesty of justice, while incarcerating an innocent man.
- d. Petitioner's appeals process in New York State got denied (leave to appeal) in the Court of Appeals, after the First Department, Appellate Division wrongfully denied his appeal (Appeals #2018-02997) on October 13th, 2020. The Court of Appeals denied his leave to appeal on March 26th, 2021 and his reconsideration motion was denied on May 18th, 2021.
- e. Petitioner will working on/seek every available legal remedy, including a Writ of Certiorari in the US Supreme Court, and other Federal and State Court options to clear his name, and rejoin his family with his head held high.

Minority Religious Rights of Incarcerated Petitioner - Confidential

Summary of Petitioner's Incarceration Record – Below is a brief summary of the Petitioner's incarceration record with DOCCS (Petitioner has no other incarceration or criminal history).

- a. Petitioner has spent 38 months out of a potential 72 months (his earliest release date per DOCCS is 05/15/2024) in captivity, with a stellar and exemplary record, with no disciplinary infractions, in positions of responsibility.
- b. Petitioner has successfully completed all mandatory and offered (by DOCCS) programs to date.
- c. Over the last (almost) 3 years Petitioner has mostly spent his time in volunteer work including being a -
 - i. Transition Services Clerk helping Inmate Program Services, and
 - ii. Lead Instructor for Phase-3 program which helps inmates close to release with job, resume and reintegration skills, and
 - iii. Teacher's Aide (IPA – Inmate Program Associate) helping inmates working towards their high school diplomas, and
 - iv. Law Library Clerk helping inmates with legal and case research, administrative activities.
- d. All of these activities are the only ones DOCCS has provided. Petitioner has used the same to spend his time, while navigating the difficult and stressful prison environment.



Corrections and Community Supervision

ANDREW M. CUOMO
Governor

ANTHONY J. ANNUCCI
Acting Commissioner

MEMORANDUM

TO: S. Tripathy 18R1673 H.U. MB-21-023
FROM: L. Gonzalez, ADSP *HL*
SUBJECT: Your Letter dated 7/15/21
DATE: 07/20/2021


I am in receipt of your letter dated 7/15/21. There is nothing that I can do about the food issue, that's a matter for Nutritional Services. Your grievance and a copy of the disposition was forwarded to Central office Ministerial Services as they requested. In regards to safety issues here in Fishkill, you can request placement in the protective custody housing unit. If you want that, please write to DSS Urbanski or to Captain Churns.

Good luck.

cc: Guidance Unit File 18R1673

TRIPATHY, S, # 18R1673

(21)

 <p>Corrections and Community Supervision</p> <p>ANDREW M. CUOMO Governor</p> <p>ANTHONY J. ANNUNCI Acting Commissioner</p>	Grievance Number FCF-0091-21	Design/Code I/37	Date Filed 04/23/21
	Associated Cases		Hearing Date 07/01/21
INMATE GRIEVANCE PROGRAM CENTRAL OFFICE REVIEW COMMITTEE	Facility Fishkill Correctional Facility Title of Grievance Discontinue Serving Beef/Hindu Religion		

GRIEVANT'S REQUEST UNANIMOUSLY ACCEPTED IN PART

Upon full hearing of the facts and circumstances in the instant case, and upon recommendation of the Office of Nutritional Services, the action requested herein is hereby accepted in part only to the extent that CORC upholds the determination of the Superintendent for the reasons stated.

CORC notes that while DOCCS does not offer a special menu for individuals practicing Hinduism, the Office of Nutritional Services offers alternative entrées for the meals that contain beef for those incarcerated individuals who choose not to eat beef for religious or other reasons. CORC further notes that, other than the Muslim religion, no other religion, thus far, has claimed that they cannot be in close personal contact with a restricted food, only that the restricted food cannot be consumed. It is noted that the Department is committed to meeting the religious needs of incarcerated individuals as outlined in Directive #4202- Religious Programs and Practices. However, it is not always possible to provide all of the rites, rituals, and meal considerations for each faith group as they may be practiced in the outside community.

CORC notes that the grievance program is not intended to support an adversary process and that no reprisals of any kind shall be taken against an incarcerated individual or employee for good faith utilization of this grievance procedure. An incarcerated individual may pursue a complaint that a reprisal occurred through the grievance mechanism.

In regard to the grievant's appeal, CORC finds insufficient evidence of malfeasance by staff and advises him to address religious concerns to the Coordinating Chaplain and meal issues to the FSA for the most expeditious means of resolution.

HLK/

Note - 8/19/2021 at 5.10 pm EST
Received via Internal Fishkill Mail
Name - SANJAY TRIPATHY,
DIN#: 18R1673; Fishkill C.F.; HU-MB-21/23B.
Subject: CORC (Final Decision) on Appeal.
[Signature]
(SANJAY TRIPATHY)

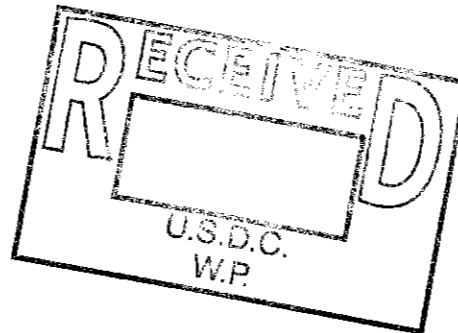
Case 7:21-cv-06584-CS Document 33 Filed 08/30/21 Page 20 of 20
From: SANJAY TRIPATHY
18R1673 - Rishikil C.F.
MB-21/23B Bon # 1245,
Beacon, NY 12508
(Cox # 21-CV-06584-CS)

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LEGAL
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To

Prose Intake Unit,
(Attn - Clerk/HON. Cathy Seibel),
US District Court - SDNY,
300 Quarropas Street,
White Plains, NY ~~10601~~ 10601



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